WP(C) 6958/2002
BEFORE
HON'BLE MR. JUSTICE HRISHIKESH ROY
Heard Mr. M.H. Ahmed, learned counsel for the petitioner. Also heard Mr. D. Bhattacharjee, learned counsel appearing for respondent Nos. 1 to 4.

2. In this case compensation is claimed for the death of Mrs. Tara Bhanu aged 32 years and Ms. Joytun Nessa aged 19 years, the wife and daughter respectively of the petitioner, who died on 6.9.98 because of an electrical accident allegedly because of the fault of the respondent ASEB.

3. A statutory report has been furnished by the Deputy Chief Electrical Inspector on 31.5.04 pertaining to the electrical accident, whereby it is confirmed that deceased(s) died due to electrocution. In the report the possible cause of the accident has been recorded as follows: -

Possible cause of the accident: From the above it is found that an 11 KV line is drawn to fed power to the Bandali village. The clearance of the line from the ground level generally remains in order. It appears that on the day of the accident, due to flood the water level rose and the clearance from the line and the water level became dangerously low. As a result while returning home on a boat, the victim might have came in contact with the High voltage line and got electrocuted. As per ASEB, the line was already switched off during the time of occurrence of the accident. As per the Surgeon's opinion in the Post Mortem report of the victims, 'the cause of death is due to stoppage of respiratory c enter and Cardiac arrest'. However the Surgeon in his detail description mentioned about possibility of electric burn in the both Post Mortem reports.

4. The Inquiring Authority concluded that although on account of the flood the distributor had got the power line discharged since 4 P.M. on the date of accident i.e. 6.9.98, some miscreants might have unlawfully energized the supply line, but it was the responsibility of the ASEB to ensure that the line is not energized by any means, once it is disconnected. In view of this conclusion, the responsibility of the ASEB Authorities is found to be established.

5. The question that now has to be addressed is the quantum of compensation that should be paid to the petitioner for the loss of his wife and daughter. Mr. Bhattacharjee, learned counsel for the distributor place reliance on the ASEB Office Memorandum dated 22.2.08 to submit that since one of the victim is less than 20 years and the other between 20 to 55 years, the compensation payable for them is limited to Rs.1,00,000/- and Rs.1,50,000/- respectively.

6. While rate of compensation payable has been stipulated by the Board, considering the fact that the compensation has not been paid within reasonable time, although the delay may have been occasioned also by the delayed statutory report, some additional amount in my view, ought to be paid to the claimant, who lost his wife and daughter through the electrical accident.

7. Accordingly, considering all the attending circumstances, the respondents 1 to 4 are directed to pay Rs.2,00,000/- for the death of Mrs. Tara Bhanu aged 32 years and 1,50,000/- for the death of Ms. Joytun Nessa aged 19 years. Thus, a total amount of Rs.3,50,000/- is ordered to be paid to the petitioner as compensation for the electrocution death of his wife and daughter. This amount should be deposited by the ASEB with the Registrar General within 8 weeks from today.

8. The Registrar General on proper identification would facilitate the petitioner to receive the said amount. The case is disposed of accordingly.